

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: November 2, 2000

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0085 for Variance

PROPOSAL: The applicant requests a variance to the height standard to allow the rear portion of a proposed four-level, 10 feet wide addition to an existing single-family dwelling to exceed the 35 feet height limit permitted under the R1 "Single-family Residential" zone.

LOCATION: In the North Tustin/Cowan Heights area at 12250 Circula Panorama. Supervisorial District.

APPLICANT: William V. Hankla

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0085 for Variance subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is a steep sloping parcel developed with a single-family dwelling. The existing four-level structure was built under previously approved Variance number VA82-32Z. This variance permitted a single-family dwelling, on the side of a downhill sloping lot, to be constructed at a height of 41 feet. The applicant proposes extensive remodeling to the existing dwelling. Besides remodeling the interior of the existing house, the applicant proposes to add a new 10 feet wide section to one side of house that would include mostly stairways to service the four levels. The new stairway replaces an existing spiral staircase located at the front of the property. In addition to the stairway the new construction would include an entryway, a powder room, laundry room, and a small storage area. The proposed addition would be located 5 feet from the side property line to the west.

The proposed addition would be the same height as the existing structure and follows the same roofline established by the existing structure. The Orange County Zoning Code requires that any additions to a structure, where a variance was previously approved, must conform to the current development standards or receive approval of a new variance to the development standard.

SURROUNDING LAND USE:

The subject site as well as the surrounding properties are zoned R1 “Single-Family Residence”/10,000 (10,000 square feet minimum lot size), and development with single-family residences.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to two County Divisions. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff. Staff has not received any communications for adjacent property owners regarding the proposal.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 5, minor alterations in land use limitations such as a variance) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

The structure was originally constructed under Variance VA82-32Z that permitted a structure height of 41 feet. The applicant is permitted to make additions to the structure, provided the additions conform to the current development standards. In order for the applicant to continue the same building design and height established by the Variance, approval of a new Variance is required.

When the structure is viewed from the front of the property, it is only one-story in height. Building height is measured from the finished grade. On a sloping property site, height measurements are more difficult. Because the property slopes severely downward from the front property line, the rear edge of the top floor penetrates the height envelope established for the property. Homes on either side of the subject site have the same situation. For example, the home to the right (as viewed from the front of the property) appears to be twice as tall as the subject site structure at the front of the property. However, because the way height envelopes are calculated for each lot, and the design of the roof, the home to the right conforms to the height envelope.

Staff did not notice any specific planning issues associated with this proposal. The project is mostly staircase addition to replace the existing spiral staircase. The height of the structure as viewed from the front will not change. The new addition proposed is consistent with the original structure height permitted under Variance VA82-32Z and conforms to the other R1 District site development standards.

However, before this variance request can be approved, the Zoning Administrator, in accordance with State and County planning laws, must be able to make the following variance findings listed below. If the Zoning Administrator can not make these findings, the application must be disapproved.

1. There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.
2. Approval of the application will not constitute a grant of special privileges, which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.

Staff is of opinion that the Zoning Administrator is able to make these two special variance findings and approve the Variance request. The special circumstances for approving the variance requested for this proposal is in Appendix A, Finding number 6.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0085 for Variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief
CPSD/Site Planning Section

WVM

Folder: D/Variance/Variance 2000/PA00-0085 Staff

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Plans with site photos

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.



Appendix A

Findings

PA000085

1	GENERAL PLAN	PA000085
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.		
2	ZONING	PA000085
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.		
3	COMPATIBILITY	PA000085
That the location, size, design and operating characteristics of the proposed use will not create unusual noise, traffic or other conditions or situations that may be objectionable, detrimental, or incompatible with other permitted uses in the vicinity.		
4	GENERAL WELFARE	PA000085
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
5	PUBLIC FACILITIES	PA000085
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		
6	VARIANCE 1	PA000085 (Custom)
That there are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations. The special circumstance is the severe downward slope of the property.		
7	VARIANCE 2	PA000085
That approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations when the specified conditions are complied with.		



Appendix B

Conditions of Approval

PA000085

1 CP CP NA BASIC/ZONING REG PA000085

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

2 CP CP NA BASIC/TIME LIMIT PA000085

This approval is valid for a period of 24 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

3 CP CP NA BASIC/PRECISE PLAN PA000085

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

4 CP CP NA BASIC/COMPLIANCE PA000085

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

5 CP CP NA BASIC/OBLIGATIONS PA000085

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

6 CP CP NA BASIC/APPEAL EXACTIONS PA000085

Pursuant to Government Code Section 66020, the applicant is hereby informed that the 90-day approval period in which the applicant may protest the fees, dedications, reservations or other exactions imposed on this project through the conditions of approval has begun.